

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1131 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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DIVYANG S UPADHYAY

Versus

STATE OF GUJARAT

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Appearance:

MR DR BHATT for Petitioner

Mr.BD DESAI, APP WITH MR.M.R.ANAND,PP for Respondent No.1

Mr.RC KAKKAD, Advocate for Respondent No.2

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 30/07/96

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.B.D.Desai,  
learned A.P.P. with Mr.M.R.Anand, learned P.P. on  
behalf of the State and Mr.R.C.Kakkad, learned Advocate  
for Respondent No.2.

2. The prayer in this petition is for quashing the  
F.I.R. dated 4.3.1996 at Cr.No.I 12/96 lodged with

Dwarka Police Station. Notice was issued as per order dated 23.3.1996 with a direction that the Police Officer in-charge of investigation should remain present along with the investigation papers. On 4.4.1996 leave to amend was granted and original complainant was made a party and the matter was adjourned to 3.5.1996 awaiting the report from the Forensic Science Laboratory. The said order was followed from time to time and today the Investigating Officer has shown the Forensic Science Laboratory Report to this Court pursuant to the last order passed on 19th June 1996, which reads as under :

"Mr.B.D.Desai, Id.A.P.P. for the State states that the Investigating Officer is on leave and in his place Head Constable M.R.Barua is present with the papers of the Investigation. Under his instruction Mr.B.D.Desai further states that the report of the Forensic Expert is awaited and shall be placed before this Court within a period of 3 weeks. However, he is required to see that the matter is expedited and the report is placed before this Court within a period of two weeks. S.O. to 3.7.1996.

Since this Court has issued direction on 3.5.1996 for the report of Forensic Expert, the objection of Mr.Kakkad for not adjourning the matter is not accepted. The interim relief of not arresting the petitioner granted by the first order and extended till today is extended upto 3.7.1996."

The true copy of this report shall be placed in Sealed Cover and submitted to this Court in this petition and the said Sealed cover is to be retained in the file of this petition.

3. In view of the fact that this Court has followed up the investigation as aforesaid nothing further is required to be done at present. It would be open to the petitioner to take up his case at an appropriate stage before the appropriate authority in case the Report is filed against him.

In view of above observation Mr.Bhatt seeks to withdraw this petition at this stage. Permission to withdraw granted. Interim relief granted earlier stands vacated. Rule is accordingly discharged.

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